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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 BURK N. ASHFORD,

12 Plaintiff,

13 vs.

14 GOEPPINGER-CURRAN
DEVELOPMENT, LLC; et al.,

15 Defendants.

CASE NO. 08cv949 WQH (RBB)

ORDER

16 HAYES, Judge:

17 The matters before the Court are the (1) Motion for Contempt and Seizure of
18 Documents against Superior Court of San Diego County (Doc. # 19); (2) Motion for Court
19 Order Clerks Entry of Default (Doc. # 21); (3) Motion for Contempt and Seizure of Documents
20 against Chicago Title Company (Doc. # 24); (4) Motion for Contempt and Seizure of
21 Documents against San Diego Superior Court (Doc. # 26); and (5) Motion for Contempt and
22 Seizure of Documents against Chicago Title Company (Doc. # 28).

23 **I. Motion for Court Order Clerks Entry of Default**

24 Plaintiff “requests this Honorable Court to order the Court Clerk to enter into the record
25 the Clerk’s entry of default.” *Mot. for Order*, p. 1. Plaintiff contends that the Clerk of the
26 Court “failed to do as such as previously requested and thereby prevents and impedes this Case
27 from moving forward.” *Id.* Plaintiff contends that “Defendant(s) have been duly served by
28 and through their attorney,” and that Defendants “have acknowledged and responded to the
Complaint in an unsatisfactory manner through their attorney and are subject to the judgment

1 and sanctions of such a judgment.” *Id.* at 1-2.

2 The Motion for Order Clerks Entry of Default does not specify which Defendants are
3 in default. Aside from the general assertion that Defendants have not satisfactorily
4 acknowledged and responded to the Complaint, Plaintiff does not provide any detail with
5 respect to how or why Defendant(s) are in default. The Clerk of the Court has already denied
6 a request for entry of default filed by Plaintiff (Doc. # 16), and Plaintiff does not provide a
7 sufficient basis for this Court to order the Clerk of the Court to enter default. In light of the
8 foregoing, the Motion for Court Order Clerks Entry of Default is denied.

9 **II. Motions for Contempt and Seizure of Documents against Superior Court**

10 Plaintiff filed four Motions for Contempt of Court and Seizure of Documents, two
11 against the Superior Court of California, County of San Diego, and two against Chicago Title
12 Company. Plaintiff contends that subpoenas duces tecum were served upon the Superior Court
13 of California, County of San Diego and Chicago Title Company. Plaintiff contends that the
14 performance date was May 18, 2009, and that “such date has passed with the served part[ies]
15 willfully and deliberately refusing to” comply with the subpoenas. (Docs. # 19, p. 2; # 24, p.
16 2; # 26, p. 2; # 28, p. 2). Plaintiff contends that “[s]uch action being dilatory, delaying and
17 intentional deserves punishment in the most severe form as the Court deems appropriate.” *Id.*

18 **A. Superior Court of California, County of San Diego**

19 On July 10, 2009, the Superior Court of California, County of San Diego filed the
20 Opposition (Doc. # 23). The Superior Court contends that on May 6, 2009, it served an
21 objection to the subpoena “informing Plaintiff . . . that he may obtain certified copies of the
22 Superior Court’s file . . . by presenting himself to the Superior Court’s North County Division
23 and paying the requisite fees.” *Opposition*, p. 2. The Superior Court contends that its
24 objections to the subpoena are meritorious, and “requests that Plaintiff’s Motion be denied, or
25 in the alternative, that Plaintiff be required to file a noticed Motion to Compel, affording the
26 Superior Court the opportunity to raise its meritorious objections before the court.” *Id.*

1 The Superior Court contends that Plaintiff has complied with the procedures required
 2 to obtain records in the custody of the Superior Court. Plaintiff has not shown that the
 3 Superior Court has acted in bad faith or has otherwise engaged in conduct which would
 4 warrant holding the Superior Court in contempt. The Motion for Contempt and Seizure of
 5 Documents against the Superior Court of California, County of San Diego is denied.

6 B. Chicago Title Company

7 On July 30, 2009, Chicago Title Company filed the Opposition (Doc. # 22). Chicago
 8 Title contends that copies of the documents requested in the subpoena were prepared and sent
 9 to the United States District Court. Chicago Title contends that it “fully complied with the
 10 subpoena . . . making plaintiff’s motion for contempt moot.” *Opposition*, p. 2.

11 Chicago Title Company has demonstrated that it complied with the subpoena when it
 12 produced true copies of the original records described in Plaintiff’s subpoena. *See Opposition*,
 13 Exhibit 1. Plaintiff has not shown that Chicago Title Company has acted in bad faith or has
 14 otherwise engaged in conduct which would warrant holding Chicago Title Company in
 15 contempt. The Motion for Contempt and Seizure of Documents against Chicago Title
 16 Company is denied.

17 Conclusion

18 IT IS HEREBY ORDERED that (1) Motion for Contempt and Seizure of Documents
 19 against Superior Court of San Diego County (Doc. # 19); (2) Motion for Court Order Clerks
 20 Entry of Default (Doc. # 21); (3) Motion for Contempt and Seizure of Documents against
 21 Chicago Title Company (Doc. # 24); (4) Motion for Contempt and Seizure of Documents
 22 against San Diego Superior Court (Doc. # 26); and (5) Motion for Contempt and Seizure of
 23 Documents against Chicago Title Company (Doc. # 28) are **DENIED**.

24 DATED: August 13, 2009

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 26 **WILLIAM Q. HAYES**
 27 United States District Judge
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